

Mark D. Young
Eric F. Leon

KIRKLAND & ELLIS LLP
655 15th Street, N.W., Suite 1200
Washington, D.C. 20005
(202) 879-5084

*Attorneys for Amici Curiae Futures Group
Futures Industry Association, Inc.
Managed Funds Association, Inc.
New York Mercantile Exchange, Inc.
Chicago Mercantile Exchange Group, Inc.
International Swaps and Derivatives
Association, Inc.*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**U.S. COMMODITY FUTURES TRADING
COMMISSION,**

Plaintiff,

V.

AMARANTH ADVISORS L.L.C., et al.,

Defendants.

[illegible]

07 Civ. 6682 (DC)
ECF Case

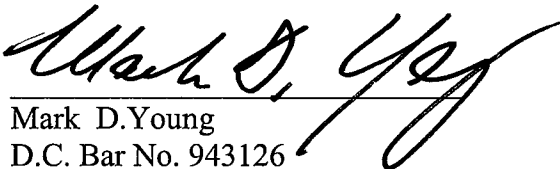
DECLARATION IN SUPPORT OF MEMORANDUM OF LAW OF THE AMICI CURIAE FUTURES GROUP IN SUPPORT OF PLAINTIFF COMMODITY FUTURES TRADING COMMISSION'S EXCLUSIVE JURISDICTION AND DEFENDANT AMARANTH ADVISORS' STAY MOTION. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AS EXECUTED ON OCTOBER 3, 2007. I HAVE ATTACHED, HERETO, IN FURTHER SUPPORT OF THIS MEMORANDUM, THE FOLLOWING EXHIBITS:

LIST OF EXHIBITS

- A. Transcript of Conference before the Honorable Denny Chin, *U.S. CFTC v. Amaranth Advisors LLC, et al.*, 07 Civ. 6682 (DC) (S.D.N.Y. Aug. 16, 2007).

- B. Memorandum of Understanding Between The Federal Energy Regulatory Commission (FERC) and The Commodity Futures Trading Commission (CFTC) Regarding Information Sharing and Treatment of Proprietary Trading and Other Information, dated Oct. 12, 2005.
- C. Commission Opinion Order re *New York Mercantile Exchange*, No. EL95-81-00, 75 FERC ¶ 61311 (1996).
- D. I. Talley, *UPDATE: Court May Settle CFTC, FERC Oversight Turf Battle*, Factiva®, Dow Jones International News, Sept. 26, 2007.
- E. Sept. 27, 200[7] Letter to CFTC Acting Chairman Walt Lukken from U.S. Reps. Peterson, Goodlatte, Etheridge and Moran.
- F. Excerpts from 1974 Legislative History
 - H.R. Rep. No. 93-975
 - S. Rep. No. 93-1131
 - H.R. Rep. No. 93-1383 (Conf. Rep.)
 - 120 Cong. Rec. 34,736-7 (1974)
 - 120 Cong. Rec. 30,458-9 (1974)
 - 120 Cong. Rec. 34,995-7 (1974)
- G. Excerpts from 1978 Legislative History
 - H.R. Rep. No. 95-1181
 - S. Rep. No. 95-850

Dated: October 3, 2007


Mark D. Young
D.C. Bar No. 943126